

SIEMENS

PATENT

Attorney Docket No. 2002P17939WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Inventor:	S. Armbruster)	Group Art Unit:	3651
)		
Serial No.:	10/535,038)	Examiner:	Prakasam, Ramya G.
)		
Filed:	05/12/2005)	Confirmation No.:	3563

Title: METHOD AND SYSTEM FOR TRANSPORTING MATERIAL

Mail Stop Appeal Brief - Patent
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF

Sir:

Pursuant to 37 C.F.R. § 41.41, this Reply Brief is responsive to the Examiner's Answer mailed 21 July 2009 in which the Examiner raised new points of argument. This is not a substitute for the Appeal Brief. Any ground for rejection in the Examiner's Answer that is not refuted herein is considered by Appellant to have been sufficiently argued in the Appeal Brief, such that no further comment is needed herein. Arguments herein focus on new points of argument and issues identified in the Examiner's answer.

The sole independent claim 34 on appeal requires two data processing devices as follows:

(i) a first data processing device ...

and

(ii) a second data processing device positionable on or within the transport mechanism ...

Argument in the Appeal Brief was based on an understanding, per the final office action, that the Examiner has read these features on the prior art as follows:

(i) the recited “first data processing device” was read upon the reflector map 18 shown in Figure 2 of the Hori reference and more fully described at col. 3, lines 29 – 31.

and

(ii) the recited “second data processing device positionable on or within the transport mechanism” was read upon “a present position calculation section 19 shown in Figure 2 and more fully described at col. 3, lines 31 – 33.

The Examiner has acknowledged Applicant/Appellant’s position (see Advisory action) that the Hori reference does not disclose a second data processing device because 18 is a reflector map. In view of this argument, as best understood (prior to issuance of the Examiner’s Answer) it was understood that the requirement for two processors was read upon some combination of the map 18 and the calculation section 19.

Now, in the Examiner’s Answer it is argued at page 3 that

(i) the recited “first data processing device” is to be read upon both the “reflector map” 18 and the “present position calculation section” 19

and

(ii) the recited “second data processing device positionable on or within the transport mechanism” is read upon “present position recognizing section” 14

However, as explained at col. 3, lines 28 – 33, the “reflector map” 18 and the ““present position calculation section” 19 are “subsystems” of the “present position recognizing section” 14. So, the rejection now attempts to read two elements of claim 34 (the “first data processing

device" and the "second data processing device") on the same prior art feature. As best understood, the Hori reference only discloses one processor device 14 which is shown in Figure 2 to have several components, including a calculator (i.e., a present position calculation section 19). It is error to sever the section 19 from the section 14 and still refer to the section 114 as a different processor device. The present position calculation section 19 is the only processor component shown in the figure. In this regard, the Examiner's Answer has again failed to account for the numerous deficiencies and inconsistencies required to contrive the rejections.

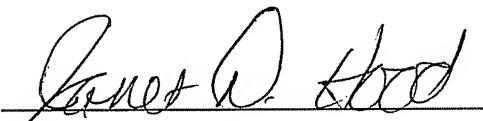
Conclusion

In summary, the argument presented in the Examiner's Answer fails to identify the requisite support to sustain a rejection of claim 34 under Section 102. As discussed above, the new point of argument made in response to the Appeal Brief is without support just as were the arguments presented in the final rejection. In view of the deficiencies identified in the Examiner's Answer, Appellant again respectfully submits that the rejections are in error.

Respectfully submitted,

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By:



Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830